

United States District Court
Eastern District of California

Michael J. Brodheim,

Plaintiff,

vs.

Michael Cry, et al.,

Defendants.

No. Civ. S 02-0573 FCD PAN P

Order

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September 9, 2005, the court granted defendants' motion to dismiss in part, dismissing claims against some defendants while directing others to answer plaintiff's pleading. Defendants failed to meet the deadline to answer and October 28, 2005, plaintiff requested the clerk enter their default. Defendants answered and opposed entry of default November 8, 2005, explaining their tardiness stemmed from illness and calendaring

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1 error by counsel. Good cause appearing, plaintiff's October 28,
2 2005, request for entry of defendants' default is denied.

3 So ordered.

4 Dated: November 17, 2005.

5 /s/ Peter A. Nowinski

6 PETER A. NOWINSKI

7 Magistrate Judge
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